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UNCLAS SECTION 01 OF 02 HAMBURG 000008

SIPDIS

DEPARTMENT FOR EUR/AGS, EUR/PPD, L/LEI, AND S/CT
JUSTICE FOR BARBARA BERMAN AND PATRICIA REEDY
DHS FOR MARK KOUMANS
SIPDIS

E.O. 12958: N/A

TAGS: [PTER](#) [KJUS](#) [KHLS](#) [ASEC](#) [PREL](#) [GM](#)

SUBJECT: JORDANIAN TERRORIST FOUND GUILTY WITH A DE FACTO 13 MONTH
SENTENCING

REF: A. A) HAMBURG 002

[1](#)B. B) DUSSELDORF 002

[1](#)C. C) 07 HAMBURG 0052

[1](#)D. D) 07 DUSSELDORF 0037

[1](#)E. E) 07 BERLIN 1398

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[1](#)1. (SBU) SUMMARY: On February 21, the Higher Regional Court (OLG) in Schleswig convicted Jordanian Thaer Alhalah of founding a foreign terrorist organization with Redouane El-Habhab and Abdelali Miftah and sentenced him to a two year prison term (Refs A and C). The conviction was primarily based on Alhalah's role in acquiring and transferring money to support the formation of a terrorist training camp in Sudan. The trial was completed in just three hearings. Alhalah's far-reaching confession at the opening hearing to having participated in various Internet chats, IMs, and internet-based phone calls on the planning of the camp was key to the trial's quick completion. Prior to the beginning of the trial, the prosecutor's office, the judges, and the defense agreed that the highest sentencing Alhalah would obtain would be for two years incarceration. This unusual but permissible agreement was reached in order to avoid a long and detailed review of all of the online evidence and to deport Alhalah as soon as possible. He is expected to be deported to Jordan in April. The prosecution agreed to accept Alhalah's overall incarceration for only thirteen months in order to deport him in April and has not made any arrangements with Jordan for further confinement upon arrival. Alhalah renounced his right to appeal the verdict.
END SUMMARY.

Yearning for Jihad and Al Qaeda Support

[1](#)2. (SBU) In the trial reading Chief Judge Michael Lautebach stated that in June 2006 Alhalah was heeding Osama bin Laden's call for a jihad against "crusaders" in Sudan by helping set up terrorist infrastructure there with four accomplices, including Redouane El-Habhab and Abdelali Miftah (Refs. A and C). The judge pointed out that Alhalah completed a questionnaire for

El-Habhab, the group's leader, in which he advertised his computer skills (e.g. ability to counterfeit passports) and said that he was eager to join the jihad. However, the judge pointed out that while the other cell members intended to travel to and fight in Sudan, Alhalah was supposed to stay in Sweden/Europe as a liaison person. [Note: El-Habhab was arrested the day before he intended to fly to Sudan. End Note.] According to the judge, the terrorist group, which Alhalah co-founded, strived towards a connection to Al Qaeda. Alhalah swore an oath of loyalty to Osama bin Laden on June 24, 2006. The judge also asserted that the group requested a letter of recommendation from Al Qaeda senior leadership in order "to open doors to the tribes in Sudan."

Alhalah "Finance Minister" of Terrorist Organization

13. (SBU) Alhalah admitted to participating in various Internet chats, IMs, and internet-based phone calls concerning jihadist activities and the planned "resistance front" in Sudan. The hearings revealed that Alhalah wanted to "take care of finances" and that he referred to himself as the group's "finance minister." According to evidence submitted, Alhalah solicited 2,000 dollars from Australian "brothers" which was to be used to purchase a laptop for the Sudan "project." Alhalah also acquired commitments from seven Australian "brothers" for monthly contributions of 100 dollars each, which were to be transferred through Western Union. Moreover, Alhalah informed El-Habhab that there were "brothers" in Morocco who promised to provide money through different "projects." In addition, Alhalah was responsible for the planned monthly transfer of 400-600 Euros from El-Habhab's Internet cafe revenues in Kiel for the jihadist cause. El-Habhab and Alhalah were arrested before any of these transfers took place, however, according to the prosecutor, El-Habhab received a phone call from Australia

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the day before his arrest.

The "Thank God Nothing Happened" Factor

14. (SBU) Although the crime of founding a terrorist organization is punishable with one to ten years the judge stated that he took the following factors into consideration when deciding Alhalah's conviction: (1) Alhalah's confession shortened the length of the trial, (2) a concrete danger did not manifest itself, (3) Alhalah was not the driving force in the organization. He pointed out the following incriminating factors: (1) Alhalah's participation definitely carried weight, (2) his efforts were partially successful, and (3) the actions were on the verge of being manifested and could potentially have resulted in great danger. The judge said it was appropriate to sentence Alhalah to two years in prison to defend the German legal order [Note: El-Habhab received two years and nine months for the charge of founding a foreign terrorist organization. End Note.]

Background and Bio Information

15. (SBU) The trial against Alhalah started on February 13 at the Schleswig-Holstein Higher Regional Court (OLG) in Schleswig and was completed within three hearings. Although Alhalah was living in Sweden at the time the crimes were committed, the Schleswig court established jurisdiction for the case by showing that the crimes, in particular those committed by El-Habhab with whom Alhalah was cooperating, were committed in Germany. Alhalah was arrested in Sweden on March 19, 2007 and was extradited to Germany on April 4, 2007.

¶6. (SBU) Thaer Hussein Mohammed Alhalah was born on July 7, 1974 in Kuwait. He is of Palestinian descent. He grew up in Kuwait until the first Gulf War when his family fled the country for Jordan. He graduated with a BA in geography in 1998 in Bagdad and later went to Australia (from 2001 to 2003) and then Stockholm (2005) to get a master's degree, which he never completed. Although he arrived in Sweden with a student visa, upon arrival he applied for asylum, first under a false name and later under his real name. Alhalah worked occasionally as a teacher in Jordan and in his family's restaurant.

¶7. (SBU) COMMENT: Due to Alhalah's cooperation with the court and Germany's desire to quickly deport him, this trial was completed in record time. According to the evidence, Alhalah played a minor role in this terrorist organization, particularly compared to that of El-Habhab, and due to his arrest was not able to carry out his fundraising activities. Although Alhalah never displayed any remorse (as El-Habhab did), he only received a two year sentence of which he will have served about thirteen months by the time he will be deported to Jordan. Once there he will walk free. The verdict most likely will serve as a precedent for the case against Abdelali Miftah, which is expected to begin in spring 2008. It remains to be seen whether Miftah will also confess to his role in the terrorist organization. If he does, based on the reasoning in the Alhalah trial, then he will probably also receive two years for the charge of forming a foreign terrorist organization. END COMMENT.

¶8. (U) This message has been coordinated with Embassy Berlin.
JOHNSON